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Atty. Docket No. 2980116USHU

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kari KIRJAVAINEN

Serial No. 09/647,739

Filed October 4, 2000

Confirmation No. 1450

GROUP 1711

Examiner Morton Foelak

METHOD AND APPARATUS FOR MAKING  
PLASTIC FILM, AND PLASTIC FILM

#77857 nee  
10/16/02

RESPONSE

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the lack of unity determination set forth in the Official Action of September 12, 2002, applicant hereby provisionally elects Group I, claims 1-5, directed to a method of producing a plastic film, with traverse.

The requirement is believed to be improper, however, and should not be repeated for the following reasons:

The Official Action suggests that the inventions identified in connection with Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2 they lack the same or corresponding special technical features. In support of this, the Official Action states that claim 1 of the present application does not constitute a contribution as even discussed by applicant in the citations of U.S. patents and the EP patent cited on page 1 of

the specification. This statement is not supported by the disclosure of the present application.

Page 1, lines 14-20 of the present application, for example, disclose that EP 0182764 teaches a material that is foamed chemically or by using a gas and thereafter extruded and subsequently the extruded material is oriented. In contrast, in the present invention, the material is first extruded and thereafter oriented and simultaneously with orientation, the pressurized gas is arranged to act on the plastic film so that the gas diffuses in the cavitation bubbles. Accordingly, the method as set forth in claim 1 of the present application differs from the cited art and thus it constitutes a contribution to the art. The technical feature of feeding pressurized gas into the plastic film simultaneously with orientation is common to each of claims 1-17.

As noted in MPEP §1893.03(d), "a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature." At the very least, Groups I-III are linked to form a single general inventive concept, insofar as the claims of Group I recite a method of producing a plastic film including the step of orienting the plastic film by stretching and simultaneously with orientation pressurized gas is arranged to act on the plastic film, the claims of Group II recite an apparatus for

making the plastic film that includes feeding pressurized gas into the plastic film simultaneously with orientation by stretching, and the claims of Group III recite a plastic film that is subjected to stretching and to pressure of pressurized gas simultaneously with stretching. It is suggested that the special technical feature of the plastic film that is simultaneously stretched and fed with pressurized gas is common to Groups I-III.

MPEP \$1893.03(d) further states that "an apparatus or means specifically designed for carrying out the process from the apparatus or means is suitable for carrying out the process with the technical relationships being present between the claimed apparatus or means and the claimed process. The expression specifically designed does not imply that the apparatus or means could not be used for carrying out another process, nor does it imply that the process could not be carried out using an alternative apparatus or means."

In addition, the International Search Report (Form PCT/ISA/210) clearly indicates that the International Examiner considered all of claims 1-17 in the International application, and made no indication that there existed any lack of unity of invention between claims 1-5, 6-13 and 14-17 in such application. The conclusion of unity of invention reached by the International Examiner is no less pertinent with respect to claims 1-17.

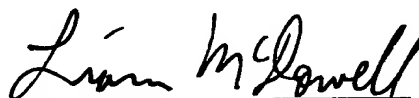
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In light of the above discussion, it is believed that the determination of lack of unity set forth in the Official Action of September 12, 2002, is improper and must be withdrawn. An action on the merits of all claims now in the application is therefore respectfully requested.

Respectfully submitted,

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By



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